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11 The Center for Biological Diversity, Resource Renewal Institute,  
12 and Western Watersheds Project

12 **UNITED STATES DISTRICT COURT**

13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 NICOLETTE HAHN NIMAN, WILLIAM  
15 NIMAN, DAVID EVANS, and CLAIRE  
16 HERMINJARD

17 Plaintiffs,

17 v.

18 UNITED STATES DEPARTMENT OF  
19 INTERIOR, a federal agency; DOUG  
20 BURGUM, Secretary of the Interior;  
21 NATIONAL PARK SERVICE, a federal  
22 agency; JESSICA BOWRON, Acting Director  
23 of the National Park Service; DAVID  
24 SZYMANSKI, Regional Director, Pacific West  
25 Region,

24 Defendants.

Case No. 3:25-cv-01976-MMC

**DECLARATION OF ERIK MOLVAR  
IN SUPPORT OF MOTION TO  
INTERVENE**

**Date: June 20, 2025**

**Time: 9:00 AM**

**Courtroom 7 (19th Floor)**

**Honorable Maxine M. Chesney**

1 I, Erik Molvar, hereby declare as follows:

2 1. The facts set forth in this declaration are based upon my personal knowledge. If  
3 called as a witness in this proceeding, I could and would testify competently under oath. As to  
4 those matters that reflect an opinion, they reflect my personal and professional opinion on the  
5 matter.

6 2. I am over the age of 18. I currently reside in Solvang, CA.

7 3. I am the Executive Director of Western Watersheds Project, a position I have held  
8 since 2016, and I have been a member of Western Watersheds Project (“WWP”) since 2016.

9 4. I am a wildlife ecologist, specializing in moose behavior and ecology, and my  
10 graduate school advisor was a student of Dale McCullough, the original research scientist  
11 working on tule elk at Point Reyes National Seashore. I have authored scientific articles  
12 published in peer-reviewed journals on the evolution of social behavior in Alaskan moose, the  
13 effect of moose herbivory on shrubs, moose population dynamics, and vulnerability and  
14 irreplaceability of conservation lands.

15 5. Western Watersheds Project is a non-profit environmental conservation group that  
16 works to influence and improve public lands management throughout the western United States  
17 to protect native species and conserve and restore the habitats they depend on. Our primary focus  
18 is on the negative impacts of livestock grazing, including harm to ecological, biological, cultural,  
19 historic, archeological, scenic resources, wilderness values, roadless areas, Wilderness Study  
20 Areas and designated Wilderness.

21 6. WWP seeks to restore the native coastal grassland ecosystems on Point Reyes  
22 National Seashore, and restore the native biodiversity of these lands, including tule elk, chinook  
23 and coho salmon, steelhead, California red-legged frogs, and snowy plovers.

24 7. WWP has expertise on California coastal grasslands. For example, WWP’s  
25 California Director is the author of the book *A State of Change: Forgotten Landscapes of*  
26 *California* detailing the original native ecosystems of the state and the impacts of livestock on  
27 native species.

1 8. WWP has worked on this matter since 2016 when WWP joined the Center for  
2 Biological Diversity (“the Center”) and Resource Renewal Institute in a lawsuit challenging the  
3 National Park Service’s (“NPS”) lack of a revision of the 1980 General Management Plan  
4 (“GMP”) for Point Reyes National Seashore and issuance of ranching leases.

5 9. In 2017, we reached a settlement with NPS requiring an amendment to the GMP  
6 (“GMPA”), including elk management on the ranched portions of the Seashore and consideration  
7 of at least one “no ranching” alternative. When NPS opened the NEPA process for the GMPA in  
8 late 2017, WWP advocated for the phase out of ranching and removal of the elk fence and  
9 allowing the tule elk to roam freely throughout Point Reyes National Seashore as part of our  
10 scoping and draft environmental impact statement (“EIS”) comments. WWP advocated for  
11 protections for natural resources and tule elk and restoration through press tours, media  
12 statements, opinion pieces in local, regional, and national news outlets, presenting NPS with a  
13 formal Administrative Procedure Act petition, conducting field tours of the Seashore, speaking at  
14 rallies and public events, and at meetings with NPS personnel.

15 10. I wrote WWP’s scoping comments for the GMPA process in 2017, and  
16 contributed to WWP’s comments on the draft EIS for the GMPA. I have also researched  
17 scientific findings regarding tule elk and their role in California coastal grassland ecology. WWP  
18 engaged in grassroots organizing around Point Reyes National Seashore restoration, including  
19 tule elk restoration, and helped to inspire a record number of public comments from the public.  
20 WWP participated in the compilation of a report assessing public comments on the proposed  
21 GMP, an effort led by a volunteer activated by WWP’s organizing efforts, and WWP staff  
22 participated along with Resource Renewal Institute in tallying the public comments. The results  
23 of this analysis revealed that only 2.3% of public commentors supported continued ranching on  
24 Point Reyes National Seashore, while 91.4% of public commentors opposed continued ranching  
25 on the Seashore. Of those commentors who supported a specific alternative, 94.2% supported  
26 Alternative F, which would permanently end all ranching on Point Reyes National Seashore and  
27 Golden Gate National Recreation Area, improve water quality, restore habitat for threatened and

1 endangered species, and would allow tule elk free access throughout these protected lands  
2 without allowing lethal control or harassment in the form of hazing.

3 11. WWP also engaged with the California Coastal Commission process to ensure  
4 consistency of National Park Service-sited livestock operations with the California Coastal Act.  
5 This determination revolved closely around compliance issues regarding water quality affected  
6 by beef and dairy operations on Point Reyes National Seashore and Golden Gate National  
7 Recreation Area. WWP drafted and submitted five sets written comments to the California  
8 Coastal Commission between December 2020 and November 2023 regarding NPS's Consistency  
9 Determination, Water Quality Strategy, Climate Action Plan, and Water Quality Monitoring and  
10 Assessment report; organized allies and WWP members to submit comments of their own; and  
11 WWP staff also testified at California Coastal Commission hearings both in-person and via  
12 webinar.

13 12. I have viewed and photographed the elk throughout Point Reyes National  
14 Seashore, on average once per year since March of 2017. My most recent trip to view and  
15 photograph elk at the National Seashore was in February 2025, and I intend to return to the  
16 Seashore in October of 2025, to view and photograph the elk during the rut.

17 13. I have spent many hours hiking among these elk, which are the most spectacular  
18 mammals on the National Seashore, and observing their fascinating behavior. My ability to  
19 observe tule elk engage in their natural behaviors is an important aspect of my enjoyment of  
20 Point Reyes National Seashore, without which my National Seashore experience would be  
21 impoverished and degraded. I have read numerous scientific studies and agency reports that  
22 show that the soils of Tomales Point are deficient in key nutrients required by tule elk, leading to  
23 nutritional problems, and that cattle are carriers of Johne's disease (a disease of domestic  
24 livestock that causes sickness and death in both tule elk and humans). Cattle have spread the  
25 disease to tule elk on Point Reyes National Seashore. During my visits to the National Seashore,  
26 I enjoy and appreciate other aspects of the coastline, scenic landscapes, and natural resources,  
27

1 and want to see the area better protected from the impacts of commercial beef and dairy  
2 ranching.

3 14. The 2020 Final EIS identified a proposed alternative that extended ranching on  
4 Point Reyes under 20-year leases, relaxed restrictions on killing and harassing tule elk, expanded  
5 allowable commercial uses for ranchers, and provided little if anything in the way of protections  
6 from overgrazing, water contamination, and the destruction of native ecosystems then occurring  
7 as a result of ranching on Point Reyes National Seashore and Golden Gate National Recreation  
8 Area. That alternative was adopted with few alterations in the 2021 GMPA for Point Reyes  
9 National Seashore and Golden Gate National Recreation Area.

10 15. Because the 2021 GMPA failed to address longstanding elk-livestock conflicts  
11 and protection of natural resources in a constructive and ecologically sustainable way, and  
12 prioritized commercial ranching over tule elk, other wildlife, coastal grasslands, waterways,  
13 other natural resources, and public recreation, WWP and allies filed suit challenging the Plan.  
14 That lawsuit led to a multi-year mediation process that resulted in The Nature Conservancy  
15 facilitating the retirements of nearly all commercial ranches at Point Reyes National Seashore  
16 through a settlement agreement in the case. This prompted NPS to issue a 2025 Revised ROD  
17 that repealed the 2021 GMPA, addressed the retirements, and imposed strong protections for tule  
18 elk. WWP and my personal and professional interests in ending livestock grazing and ensuring  
19 tule elk may roam free at the National Seashore benefited immensely from the Revised ROD.  
20 This litigation seeks to vacate that Revised ROD, which would seriously harm WWP and my  
21 interests.

22 16. WWP has frequently found itself at odds with the National Park Service on  
23 matters relating to the management of Point Reyes National Seashore. WWP has repeatedly  
24 asked for NPS to end all ranching on Point Reyes National Seashore and Golden Gate National  
25 Recreation Area (GGNRA), and NPS has steadfastly declined to do this. The Park Service has  
26 actively worked to extend commercial beef and dairy ranching throughout the Pastoral Zone on  
27 Point Reyes National Seashore. Even the GMPA approved through the 2025 Revised ROD

1 allows GGNRA ranches and two ranches within PRNS (Plaintiffs in this case) to continue under  
2 extended and expanded 20-year lease terms, and has authorized the use of “targeted grazing”  
3 with livestock on lands abandoned by Departing Ranchers, instead of allowing these lands to  
4 recover naturally to native plant community types. Even when ranchers, prior to the most recent  
5 round of litigation and settlement, voluntarily departed from PRNS, NPS reassigned portions of  
6 their abandoned ranch lands to other livestock operations to continue and extend the ecological  
7 impacts of cattle, over WWP’s objections.

8       17. Another example of WWP’s divergent interests stems from our advocacy for NPS  
9 to focus on identifying and protecting archaeological and cultural sites significant to the Coast  
10 Miwok tribe, the Indigenous inhabitants of Point Reyes National Seashore for thousands of  
11 years. Instead, NPS has supplanted the previous agency focus on this aspect of Point Reyes  
12 history and prehistory with an initiative to establish a Historic District focused exclusively on  
13 cattle ranching, in an effort to justify the continued presence of non-native cattle, and the myriad  
14 ecological harms that result from their grazing, on the National Seashore. In short, NPS has often  
15 frustrated our efforts to remove livestock from PRNS and GGNRA, even though doing this  
16 would advance the restoration of the native coastal grasslands for which WWP has so vigorously  
17 advocated over the past decade.

18       18. For these and other reasons, the interests of WWP have frequently diverged from  
19 those of NPS at Point Reyes National Seashore and are not fully aligned with NPS’s interests in  
20 defending the Revised ROD. Accordingly, the Park Service cannot adequately represent WWP’s  
21 interests in this case.

22  
23       I declare under penalty of perjury under the laws of the United States that the foregoing is  
24 true and correct.

1 Executed on May 15, 2025 in Salt Wells Creek, Wyoming.

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Erik Molvar